REMARKS

The Final Office Action dated September 19, 2005 has been carefully considered. Claims 1 and 20 have been amended. Claims 1, 2, 4 and 6-20 are in this application.

Applicants and Applicants' attorney than the Examiner for the courtesies extended during a recent interview.

Claims 1, 4, 6-15 and 18-20 were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 5,440,961 to Lucas, Jr. et al. Applicants submit that the teachings of this reference do not teach or suggest the invention defined by the present claims.

In contrast to the invention defined by the present claims, Lucas, Jr. et al. do not teach or suggest that the rails are formed of a material to provide attraction to plastic wrap received over the rail for attracting the plastic wrap and clinging the plastic wrap to the rail.

To the contrary, Lucas, Jr. et al. teach the use of non-slip surface to provide a sufficiently high friction surface to adhere the film to the cutting guide during cutting thereof and tension the film (col. 2, lines 8-9). Applicants submit that it is known to one of ordinary skill in the art that cling properties provide a cohesive chemical bond which differs from an adhesive bond produced by tackifiers. As described in U.S. Patent No. 5,273,809, submitted herewith in the enclosed PTO form 1449, films possessing a cling property are known in the art and differ from overwrap films employing tack sealing, adhesive tape and spray adhesives. Similarly, the invention defined by the present claims teaches a rail providing cohesive cling properties which differs from a rail providing adhesive properties as taught by Lucas, Jr. et al. Applicants submit that the materials of the present invention provide improved cling of the plastic wrap to the rail. In contrast, the use of a tackifier or adhesive has the disadvantage that the tackifiers or adhesives are removed from the rail during use and over a short period of time the reduction in tackifiers or adhesives cause the film to no longer adhere to the rail.

Furthermore, there is no teaching or suggestion in Lucas, Jr. et al. to provide rails formed of a material to provide cling properties to the plastic wrap. Instead, Lucas, Jr. et al. teach away from the present invention by teaching the film may be aluminum foil which Applicants submit that one of ordinary skill in the art would understand cannot be held by a cohesive cling property to a rail because a cohesive bond cannot be formed between aluminum foil and a rail (see col. 3, lines 20-24). Further, as noted by the Examiner, Lucas, Jr. et al. do not teach or suggest that a

rail is selected from vinyl, acrylic, and polyvinyl chloride comprising at least 10% plasticizer. Applicants submit that in the present invention the materials of the rail are selected to provide a cling property to plastic wrap received over the rail, not for providing durability as suggested by the Examiner. There is no teaching, suggestion or motivation in Lucas, Jr. et al. to select materials for forming a rail having cling properties to plastic wrap received over the rail because Lucas, Jr. et al. teach the use of the application of a friction based tape or coating to the guide and it is only in hindsight that the Examiner can suggest that it would be obvious to select the materials of the present claims. Further, Lucas, Jr. et al. teach the use of an O-ring to provide resilient engagement of the film material with the cutter.

Further, with regard to claim 4, Lucas, Jr. et al. do not teach or suggest the material of the rail has a hardness in the Shore A range.

With regard to claim 7, there is no teaching or suggestion in Lucas, Jr. et al. of a rail base formed of a coextruded first material which provides cling properties to plastic wrap and a second material of rigid PVC.

With regard to claim 12, Lucas, Jr. et al. do not teach or suggest that the blade is angled at a 30° angle from the bottom edge. Rather, Lucas, Jr. et al. disclose a rotary blade cutter having a housing of a circular shape for enclosing the star shaped cutter. As described on page 5, line 34 through page 6, line 3, the blade angle provides optimal performance of cutting.

Claim 2 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with U.S. Patent No. 4,960,022 to Chuang.

Chuang discloses a plastic film cutter using rollers for engaging and maintaining the film in a tensioned state. The cutter has a concave surface.

In contrast to the invention defined by the present claims, Chuang does not teach or suggest rails being formed of a material providing an attraction to film received over the rails to cling the plastic wrap before and after cutting of the plastic wrap. Rather, Chuang uses rollers for engaging and maintaining the film in a tensioned state. Thus, Chuang does not cure the deficiencies of Lucas, Jr. et al., as noted above. Accordingly, the invention defined by the present claim 2 is not obvious in view of Lucas, Jr. et al. in combination with Chuang.

Claims 16 and 17 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with U.S. Patent No. 5,398,576 to Chiu.

Chiu discloses a cutting device for a roll of film including a cutter placed on a positioning unit. A guide unit includes two vertical plates projecting downwardly from the rear portion of the cutter through the slot and two horizontal plates that project outwardly from the lower edge of the vertical plates. The length of the vertical plates is slightly longer than the thickness of the top wall of the positioning unit so that the front portion of the sliding body can turn somewhat upwardly to facilitate cutting of the protective film by the cutting edge of the blade. The positioning unit further includes an upright front stop plate which is mounted securely on the front end portions of the side and top walls of the positioning unit, and an upright rear stop plate which is mounted removably on the rear end portions of the side and top walls of the positioning unit so as to permit removal of the cutter from the positioning unit.

In contrast to the invention defined by the present claims, Chiu does not teach or suggest a pair of end caps releasably attached to either end of said elongated rail base for providing a bumper of said tracking device in said channel with said end caps, said end caps releasing upon application of excessive force. Rather, Chiu discloses that only one of the plates can be removed and does not teach or suggest removal of a pair of plates upon application of the excessive force.

Further, in contrast to the invention defined by the present claims as noted above, Chiu does not teach or suggest rails being formed of a material providing an attraction to plastic wrap received over the rails to cling the plastic wrap to the rails before and after cutting of the plastic wrap. Rather, Chiu uses the shape of the cutter to allow the sliding body to turn upward in order to prevent bunching of the film. Thus, Chiu does not cure the deficiencies of Lucas, Jr. et al. noted above. Accordingly, the invention defined by the present claims 16 and 17 is not obvious in view of Lucas, Jr. et al. in combination with Chiu.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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